

CUSTOMER NUMBER 25268

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jerry Brownstein et al. Attorney Docket No: BROW0005
Serial No: 10/646,944 Group Art Unit: 1771
Filed: August 21, 2003 Examiner: Cole, Elizabeth
Title: LOOSE FIBER ADSORBENT

DECLARATION

Bellevue, Washington 98004

TO THE DIRECTOR OF THE PATENT AND TRADEMARK OFFICE:

The following declaration of Jerry Brownstein is submitted as part of a supplementary response to an Office Action dated January 22, 2007.

1. I, Jerry Brownstein, have been professionally involved in the textile industry for almost 35 years. In general, the volume of recycled fibers available has generally exceeded the demand for such recycled fibers, in part because recycled fibers are generally regarded as a lower quality material than virgin fibers. Based on my experience in the textile industry, I began looking for additional uses for recycled fibers, and thereafter, developed a process for making a high quality recycled fiber based absorbent. I am now the President and Chief Executive Officer of the Xextex Corporation, which was founded to commercialize the recycled fiber absorbent, whose manufacture is described and claimed in the above-identified patent application, U.S. Serial No. 10/646,944

2. Further, I am a co-inventor of the subject matter described and claimed in the above-identified patent application, U.S. Serial No. 10/646,944, and as such, am familiar with the subject matter disclosed and claimed therein. I am also familiar with a commercial embodiment based on the invention described and claimed in that patent application, which is sold under the trademark X-TEX®.

3. On April 11, 2007, I received the International ENERGY GLOBE Award in the Water category for the recycled fiber absorbent, whose manufacture is described and claimed in the above-identified patent application, U.S. Serial No. 10/646,944. The ENERGY GLOBE Award is an international competition among projects from all over the world that make careful and economical use of resources, and/or employ alternative energy sources. A winning project is chosen in each of the categories of: Earth, Fire, Water, Air, and Youth. The competition appears on international broadcast television, reaching an estimated audience of 2.5 billion households. Every year, about 700 projects from around the world are submitted to the ENERGY GLOBE Award competition. A jury comprising international experts with representatives from the UN, UNIDO, World Bank, EREC

1 (European Renewable Energy Council), and research institutes, selects a winner in each category. A
2 key goal of the competition is to select products that are both highly functional and provide
3 significant environmental benefits in terms of sustainability (i.e., products that emphasize the use of
4 recycled materials, alternative energy sources, or which otherwise exhibit environmentally positive
5 characteristics). The recycled fiber absorbent (whose manufacture is described and claimed in the
6 above-identified patent application, U.S. Serial No. 10/646,944) was awarded first place in the Water
7 category, because the recycled fiber absorbent is a highly effective absorbent that is manufactured
8 from waste materials, which is useful in removing hydrocarbon contamination from bodies of water
9 and water supplies.

10 4. Also in April of 2007, I received a letter from Christine Gregoire, the governor of the
11 State of Washington, congratulating the Xextex Corporation for receiving the ENERGY GLOBE
12 Award, and for the commercial success of our recycled fiber absorbent (whose manufacture is
13 described and claimed in the above-identified patent application, U.S. Serial No. 10/646,944), which
14 recently was used to clean up a widely-publicized diesel fuel spill at a well known Washington ski
15 resort.

16 5. In summary, the recycled fiber absorbent (whose manufacture is described and
17 claimed in the above-identified patent application, U.S. Serial No. 10/646,944) has received both
18 local and international acclaim since it has been introduced into the market. Logically, if the
19 manufacture of the recycled fiber absorbent described and claimed in U.S. Patent Application Serial
20 No. 10/646,944 were obvious, some other textile industry expert would have conceived of the
21 manufacturing process described and claimed in the above-identified patent application, and would
22 have brought a similar recycled fiber-based absorbent product to the market before my company did,
23 since there is clearly a long-felt need for such a product, as indicated by the commercial success of
24 the recycled fiber absorbent product manufactured as described and claimed in the above-identified
25 patent application.

26 6. I hereby further declare that all statements made herein of my own knowledge are true
27 and that all statements made on information and belief are believed to be true; and further, that these
28 statements were made with the knowledge that willful false statements and the like so made are
29 punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States
30 Code, and that such willful false statements may jeopardize the validity of the application or any
31 patent issued thereon.

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33 Date: MAY 25, 2007
34
35



Jerry Brownstein

CHRISTINE O. GREGOIRE
Governor



STATE OF WASHINGTON
OFFICE OF THE GOVERNOR
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April 17, 2007

Jerry M. Brownstein
President and Chief Executive Officer
The Xextex Corporation, USA
70 East Sunset Way, No. 188
Issaquah, WA 98027

Dear Jerry

I am delighted to learn that The Xextex Corporation, USA, was recently selected to receive both the 2006 International Energy Globe Award, Water Category, and the National Energy Globe Award. These prestigious honors are given for exceptional contributions to the preservation of our planet. Clearly, the judges recognize that your work in developing X-Tex, a recyclable material that efficiently absorbs oil and other contaminants while allowing water to pass through, has wide-reaching applications.

X-Tex already has proven its worth in Washington, where it was used in cleaning up a large diesel oil spill in the Crystal Mountain ski area. I am sure that it will soon be used across the globe for storm water filtration, erosion control, shoreline protection, and a myriad of other purposes.

Your success underscores the state's reputation as housing some of the most creative, environmentally friendly businesses in the world. I am extremely proud of Washington companies like yours that exemplify the highest standards of excellence.

Again, please accept my warmest congratulations on receiving this wonderful distinction. It is richly deserved.

Sincerely,

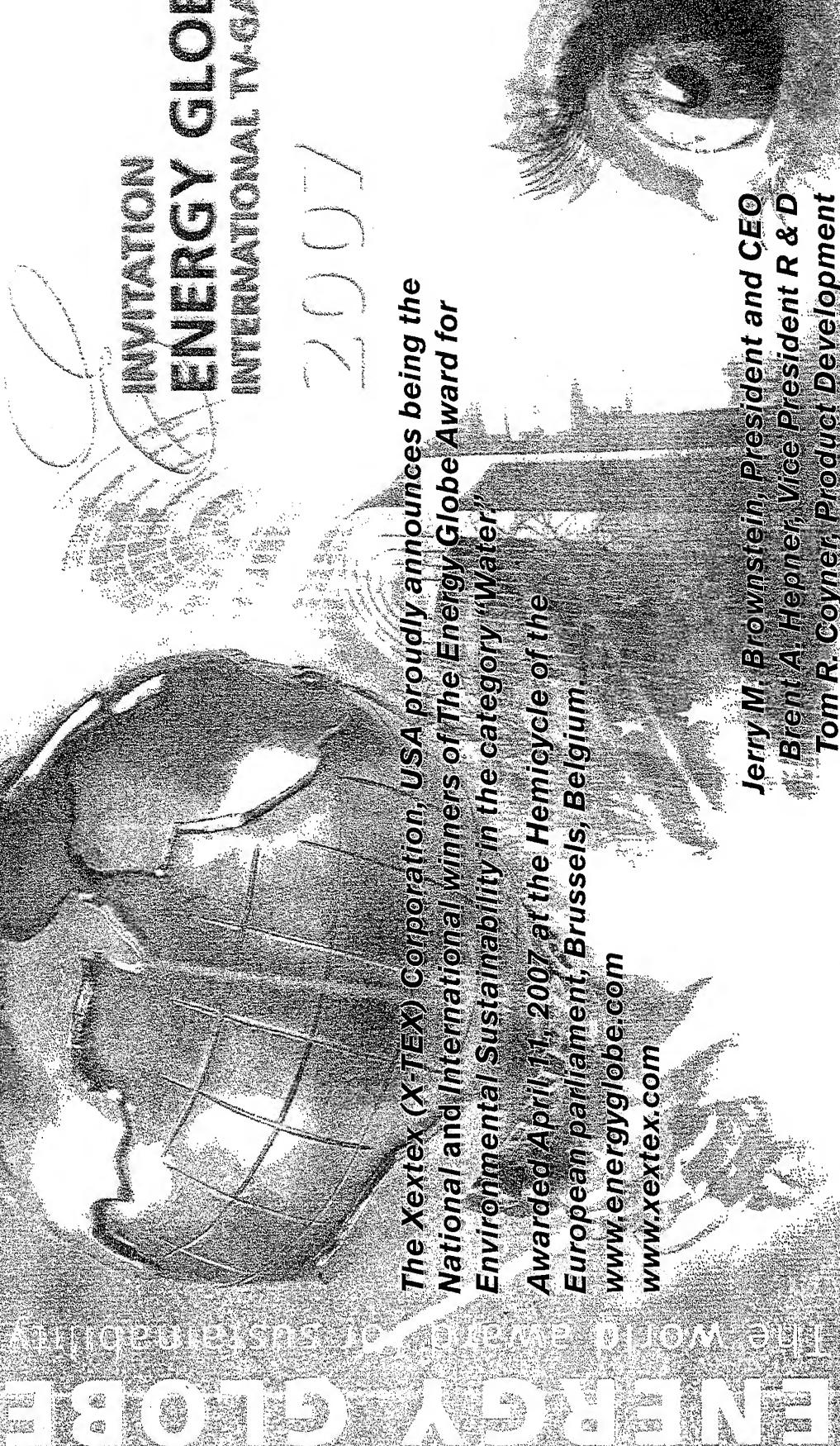
Christine

Christine O. Gregoire
Governor

Gratulé again!

cc: Brent Hepner, Vice President of Research and Development, The Xextex Corporation, USA Herbert R. Pearse, President, Eco-Tec, Inc.





The Xtex (X-TEX) Corporation, USA proudly announces being the National and International winners of The Energy Globe Award for Environmental Sustainability in the category 'Water'.
Awarded April 11, 2007 at the Hemicycle of the European parliament, Brussels, Belgium.
www.energyglobe.com
www.xtex.com

Jerry M. Brownstein, President and CEO
Brent A. Heiner, Vice President R & D
Tom R. Coyner, Product Development



WORLD AWARD

Energy Globe International, Rue Wiertz 20, Brussels

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